

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-530-FDW
3:17-cr-134-FDW-DSC-19**

CYNTHIA GILMORE,)	
)	
Petitioner,)	
)	
vs.)	
)	<u>ORDER</u>
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

THIS MATTER is before the Court on the Respondent's Motion to Seal (Doc. No. 3) and Corrected Motion to Seal (Doc. No. 4).

The Petitioner filed a *pro se* Motion to Vacate in the instant case pursuant to 28 U.S.C. § 2255 addressing her conviction for conspiracy to engage in racketeering activities in violation of 18 U.S.C. § 1962(d). (Doc. No. 1). In support of the Motion to Vacate, the Petitioner filed a lengthy appendix of documents which was not filed under seal.

The Respondent asks the Court to seal portions of the appendix which contain: portions of a sealed transcript of proceedings before this Court addressing safety considerations (Doc. No. 1-2 at 116-18); portions of the sealed transcript of grand jury proceedings (Doc. No. 1-2 at 127-51, 153-55); and a portion of a sealed transcript of proceedings before this Court addressing potential *Giglio* information (Doc. No. 1-2 at 184).

The Court finds that the documents identified by the Government were previously sealed, and that they must be sealed in the instant case to protect the confidentiality of grand jury records and other sensitive information. See Fed. R. Crim. P. 6(e)(6) ("Records, orders, and subpoenas

relating to grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury."); see generally LCrR 49.1.1. These pages shall remain sealed except as to the parties, until further order of the Court.

IT IS, THEREFORE, ORDERED that:

1. Respondent's Corrected Motion to Seal (Doc. No. 4), is **GRANTED**.
2. Respondent's Motion to Seal (Doc. No. 3), is **DENIED** as moot.
3. The Clerk of Court is instructed to **SEAL** Docket Entry 1-2 at pages 116-18, 127-51, 153-55, and 184, except as to the parties, until further Order of the Court.

Signed: December 2, 2021


Frank D. Whitney
United States District Judge